

1 MELINDA HAAG (CABN 132612)  
2 United States Attorney

3 MIRANDA KANE (CABN 150630)  
4 Chief, Criminal Division

5 CHRISTINA McCALL (CABN 234139)  
6 Assistant United States Attorney

7 1301 Clay Street, Suite 340S  
8 Oakland, CA 94612  
Telephone: (510) 637-3680  
Fax: (510) 637-3724  
E-Mail: christina.mccall@usdoj.gov

9 Attorneys for Plaintiff

10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 OAKLAND DIVISION

13  
14 UNITED STATES OF AMERICA, ) No. 4-12-70216 MAG  
15 Plaintiff, ) [PROPOSED] ORDER DETAINING  
16 v. ) DEFENDANT JORGE RODRIGUEZ  
17 JORGE RODRIGUEZ, ) PENDING TRIAL  
18 Defendant. ) Date: February 29, 2012  
19 ) Time: 9:30 a.m.  
20 ) Court: Hon. Laurel Beeler

21 Defendant Jorge Rodriguez is charged in a one-count complaint in the District of  
22 Columbia with transporting or shipping visual depictions of minors engaging in sexually explicit  
23 conduct, in violation of 18 U.S.C. §§ 2252(a)(1). Following arrest in this district, at the initial  
24 appearance, the United States moved for defendant's detention, pursuant to 18 U.S.C. §§ 3142(f).  
25 On February 29, 2012, following a hearing, the Court ruled that defendant should be detained,  
26 because no conditions could be set that would ensure appearance at future court hearings and  
27 ensure the safety of the community. Considering the nature of the offense and the presumption

28 [PROPOSED] DETENTION ORDER

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1 of detention, Pretrial Services' criminal history report, the government's proffered evidence of  
2 the defendant's recent telephone calls and text messages, evidence of ongoing methamphetamine  
3 use, defendant's health issues, the nature of defendant's living situation, the Court found that no  
4 condition or combination of conditions in 18 U.S.C. § 3142(c) will reasonably assure his  
5 presence in court or the safety of the community. See 18 U.S.C. §§ 3142(e) and (f).

6 Given defendant's expressions of action toward child victims, as proffered in the contents  
7 of recent text and phone conversations (although defendant has recently stated that those  
8 expressions were not sincere), combined with information set forth in the criminal complaint, the  
9 Court found that the government met its higher burden in arguing that defendant poses a risk to  
10 the community, and found that defendant did not overcome the presumption of detention.

11 **ORDER**

12 Defendant is ordered detained as no condition or combination of conditions in 18 U.S.C.  
13 § 3142(c) will reasonably assure the appearance of defendant and safety of the community as  
14 required.

15 Defendant is committed to the custody of the Attorney General or a designated  
16 representative for confinement in a corrections facility separate, to the extent practicable, from  
17 persons awaiting or serving sentences or held in custody pending appeal. See 18 U.S.C. §  
18 3142(i)(2). Defendant must be afforded a reasonable opportunity to consult privately with  
19 counsel. See 18 U.S.C. § 3142(i)(3). On order of a court of the United States or on request of an  
20 attorney for the government, the person in charge of the corrections facility must deliver  
21 defendant to the United States Marshal for a court appearance. See 18 U.S.C. § 3142(i)(4).

22 IT IS SO ORDERED.

23  
24 DATED: March 2, 2012

  
HON. LAUREL BEELER  
United States Magistrate Judge